

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

TAYLOR TOM CONLEY,

Petitioner,

V.

STATE OF WASHINGTON.

Respondent.

CASE NO. C12-5974 RJB-JRC

**ORDER TO AMEND THE PETITION
TO CHANGE THE CASE CAPTION**

The District Court has referred this petition for a writ of habeas corpus to United States Magistrate Judge, J. Richard Creatura. The authority for the referral is 28 U.S.C. § 636(b)(1)(A) and (B), and local Magistrate Judge Rules MJR3 and MJR4. Petitioner seeks relief from a state conviction. The petition is filed pursuant to 28 U.S.C. § 2254.

Petitioner has named only the State of Washington as respondent. Petitioner needs to name a natural person -- not a governmental entity. The proper respondent is the person having custody of petitioner. *See* 28 U.S.C. § 2242. This person is usually the superintendent of the facility in which petitioner is incarcerated. Petitioner's failure to name the correct party deprives

1 this Court of personal jurisdiction. *See Stanley v. California Supreme Court*, 21 F.3d 359, 360
2 (9th Cir. 1994).

3 Petitioner is ordered to file a motion asking the Court to change the case caption and
4 name a proper respondent. Petitioner needs to identify the superintendent by name in his motion.
5 Petitioner's motion must be filed on or before December 28, 2012.

6 Dated this 30th day of November, 2012.

7
8 
9

J. Richard Creatura
United States Magistrate Judge

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24